

PLANNING BOARD
TOWN OF BERNE
PO Box 57
Berne, NY 12023

Date: January 7, 2016

Present: Richard Rapp (Chair), Mike Vincent, Debra Bajouwa, Todd Schwendeman, Gerald Larghe, Wayne Emory (Board Liaison), Kathy Brown (Secretary)

Guests: Joseph Hammond, Ralph Mariani, John Valachovic

Public Hearing – Lot Line Adjustment: Art Ritter, 1209 Helderberg Tr. Mr. Rapp called the public hearing to order at 7:00 PM. The applicant intends to remove five property lines from four parcels and create one new parcel consisting of 5.04 acres. All notices were sent and published in the *Altamont Enterprise* and property owners with properties abutting this lot were notified via certified mail. No written correspondence from adjacent land owners was received. Ms. Bajouwa moved to close the public hearing. Mr. Vincent seconded and the hearing closed at 7:02 PM on a vote of 5-0. The Board reviewed the Albany Co. Planning Board's recommendation that the plat include a note that the property is within 500' of a farm operation. Mr. Vincent moved to accept the ACPB recommendation. Ms. Bajouwa seconded and the motion passed, 5-0. The Board reviewed the application under the State Environmental Quality Review Act as a Type II Action. Ms. Bajouwa moved that the proposed subdivision will not result in significant adverse environmental impact. Mr. Schwendeman seconded and the motion passed, 5-0.

Ms. Bajouwa moved to approve the application for the lot-line adjustment as presented. Mr. Vincent seconded and the motion passed, 5-0.

Regular Meeting of January 7, 2016

Mr. Rapp called the meeting to order at 7:21 p.m. He welcomed new members Todd Schwendeman and Gerald Larghe.

Minutes: The minutes from the December 3, 2015 meeting were reviewed. Mr. Vincent moved to approve the minutes, as amended. Ms. Bajouwa seconded and the minutes passed, 4-0.

Old Business:

Lot Line Adjustment: Vogel-Nagengast, Dyer Rd. East Berne. The applicant intends to annex 5.02 acres from Parcel Id. No. 80.-1-15 to existing Parcel Id. No. 80.14-1-21.1. A previous application for a minor subdivision has been withdrawn due to failed perk tests. Mr. Hammond submitted revised survey maps. Mr. Hammond placed an annexation note on the map defining the parcel as non-buildable and requiring Planning Board approval prior to any development. The Board agreed to ask the Town Board to waive the application fee. Applicant will still be responsible for additional postage and publication costs. Mr. Vincent referenced the November 1, 2015 Conservation Board review of the previous subdivision application. Mr. Vincent moved to schedule the application to public hearing on February 4, 2016. Mr. Schwendeman seconded and the motion passed, 5-0.

Special Use Permit, Albany County Communications Tower, Jansen Lane:

Mr. Rapp handed out a position letter from the applicant's attorney and the corresponding response from Town Attorney William Conboy II regarding the Planning Board's official role in the application review process (see attached.). The failed balloon/blimp tests of Dec. 19 & 20 were discussed. Mr. Vincent stated that the first attempt was a blimp and the second attempt was a balloon (see attached for his timeline.) A sight test using a crane with a blimp attached is planned for January 23, from 9:00 A.M to 2:00 P.M. with the 24th as an inclement weather date.

The following is a list of items the Board requested applicant address prior to the next meeting:

- Link existing application information to Town's website
- Revisions to show proper environmental controls
- Description of staging area
- Letter from Sheriff agreeing to train local fire and rescue regarding tower
- Address Town Zoning Regulations Article G – Applicant needs to submit a letter of intent to negotiate a good faith effort for shared use of the tower. Ms. Bajouwa mentioned Mr. Conboy's letter and its wording, "no private usage of the tower is to occur." Mr. Mariani responded that the tower is constructed to accommodate additional cell carriers. He also stated that it's in the property lease that the landowner has the option to contract with additional carriers for space on the tower. The Board agreed that the intent of the Town's ordinance is to encourage co-location. Applicant will draft letter and provide copy of lease.
- Address Town Zoning Regulations Article Q – Applicant needs to provide a letter to the Town regarding its responsibility to dismantle the tower should its use be discontinued or become obsolete or the site abandoned.
- A letter from applicant to the Town stating that any future modification to the tower/facility (excluding additional carrier antennae) would require Planning Board approval
- Yearly maintenance/inspection reports of the tower be submitted to Town
- Tidy up wording in application and remove "Colonie" and insert Berne
- Comprehensive review of Town Zoning Regulations by applicant
- Applicant will add loading diagrams to page C4

Mr. Rapp reported that he spoke with Mr. Conboy about the Planning Board's role in issuing a special use permit for this application. Mr. Conboy indicated that it is within the Planning Board's charge to review and approve the special use permit. Ms. Brown relayed the Town's Zoning Enforcement Officer's request that the applicant file for a use variance, citing that the proposed use is prohibited within an RAF district. Mr. Rapp said he'd speak with Mr. Conboy.

Other items of discussion included: the need for a turn-around (Mr. Mariani stated that many sites are drive-in, back-out); FAA notification of tower, lease term, expected date for FCC license, time frame regarding construction to operation of facility. Mr. Mariani stated that the entire site is continuously monitored, alarmed and linked to a live-response center.

Mr. Mariani asked the Board if the County was entitled to load an additional 100% of current planned antennae capacity to the tower without getting Town approval. Mr. Rapp responded that application loading diagrams need to be reviewed before the Board can make a determination.

New Business: none

Other Business:

Mr. Emory reported on Town Board business. He stated that training requirements for board members are being reviewed. He welcomed Mr. Schwendeman and Mr. Larghe to the board. He mentioned the possibility of a solar committee being established.

There being no further business before the Board, Ms. Bajouwa moved to adjourn the meeting at 8:22 p.m., seconded by Mr. Vincent, and the motion carried, 5-0.

Respectfully submitted,

Kathy Brown
Planning Board Secretary